

Minutes
State Board of Education
Monday, February 23, 2004

The Arizona State Board of Education held its monthly meeting at the Arizona Department of Education, 1535 West Jefferson, Phoenix, AZ 85007. The meeting was called to order at 9:05AM.

Members Present

Ms. Nadine Mathis-Basha, President
Dr. Matthew Diethelm, Vice President
Ms. Armida Bittner
Dr. Michael Crow
Ms. JoAnne Hilde
Ms. Evangelina “Conkie” Hoover
Superintendent Tom Horne
Ms. Joanne Kramer
Dr. John Pedicone

Board Business

Pledge of Allegiance, moment of silence and roll call.

Minutes for State Board of Education

Motion by Ms. Hilde to approve minutes for State Board of Education Retreat held on January 19, 2004, as submitted. Seconded by Ms. Kramer. *Motion passes.*

Motion by Dr. Diethelm to approve the minutes of the State Board of Education meeting held on January 26, 2004, with the addition of Ms. Hoover’s remark in response to Governor Napolitano’s presentation to the State Board of Education, thanking the Governor for addressing the specific dismal issues facing Native American students. Motion seconded by Ms. Hilde. *Motion passes.*

President’s Report

Ms. Basha testified regarding Senate Bill 1362 and reported that the bill is moving on and receiving great response from the community.

Arizona will host WestEd on October 21 and 22, 2004. Governor Napolitano will be the guest speaker for lunch on Thursday, October 21 and all Board members are invited to attend. The topic will showcase early childhood education.

Superintendent’s Report

Superintendent Horne passed on a comment from the “Wizard of Id” column regarding the high stakes testing.

Board Member Reports

Ms. Bittner presented with Ms. Hilde and Ms. Farley at ASBA last Thursday. It was a good conference and a time to renew some old acquaintances.

Ms. Hilde has been attending all the certification meetings and was at the Task Force meeting all day last Thursday and Friday. She congratulated the people involved. Ms. Hilde also works with NCA and commended them on keeping the bar high around standards. Those involved truly want to understand the decisions the Board is making especially in terms of potential impact on the work they are doing.

Ms. Basha also voiced appreciation for each task force member’s participation and the participation of Board members on panels, committees and task forces.

Director's Report

The revised Critical Issues Timeline has been updated to better distribute the work throughout the year, to include the Master Teacher issue requested by the Governor, and to coordinate with internal issues being addressed by the Arizona Department of Education. Ms. Farley highlighted items that have been moved, asked for feedback from members and reiterated that this is a “living document” that will continually be updated as issues/timelines change. *(See updated Critical Issues Timeline in materials packet)*

Dr. Pedicone stated his support of this document, which outlines the work of the Board as well as being useful for districts to see what decisions are being made. Ms. Basha also asked members to consider the possibility of hosting one of the upcoming meetings in their area, especially if one of the issues to be discussed is more pertinent to their location. Ms. Farley suggested a review of the calendar at the March meeting to finalize meetings in other areas.

3. CONSENT ITEMS

- A. Consideration to Approve Contract Abstracts
- B. Consideration to Accept Federal Funds From the Enhancing Education Through Technology Program and Approve the Plan for Distribution and Use of the Funds.
- C. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Approve the Negotiated Settlements for the Following Individuals:
 - 1. Ms. Leah Thompson, Case #C-2003-082
- D. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Approve Certification for the Following Individuals:
 - 1. Mr. Hubert Lonon, Case #C-03-064
- E. Consideration to Accept the Voluntary Surrender of the Following Certification Cases:
 - 1. Mr. Antonio Padilla, Case #C-2003-085
- F. Consideration to Approve the Automatic Revocation of the Following Certification Cases Pursuant to A.R.S. §15-550:
 - 1. Ms. Rosemary Crow, Case #C-2003-041
 - 2. Ms. Grace Gamez, Case #C-2003-025

Motion to approve the Consent Agenda by Ms. Hoover, seconded by Dr. Pedicone. *Motion passes.*

4. SPECIAL PRESENTATION/BOARD STUDY SESSION

Presentation and Discussion Regarding R7-2-604 Professional Preparation Programs, Teacher Preparation Program Requirements and Teacher Certification Task Force Discussions. Pursuant to A.R.S. §38-431.03(A) (3) and (4), the Board may vote to go into Executive Session for consultation and legal advice and/or for instructing the Board's attorneys regarding the Board's position in connection with this issue.

Presentation by Ms. Kathy Wiebke, Deputy Associate Superintendent for Highly Qualified Professionals, Arizona Department of Education and Ms. Patty Hardy, Supervisor of Certification Specialists, Arizona Department of Education, reviewed the current Teacher Preparation Program including the history and challenges they are facing. Most of the Institutional Recommendations (IR's) made by the Board have already expired, forcing staff to review rules and establish a continuum of service that maximized quality with minimum disruption to students. Staff followed past practices and Board rules and have encountered several challenges, and made a conscious decision to use the existing evaluation rubric even though they believe there are several shortcomings with the current rubric. This decision was made to begin the process to re-approve programs in a timely manner to meet the needs of the institutions and be in compliance with Board rule, and then establish a new evaluation mechanism at a later date. Currently there is one staff

member who works on Teacher Preparation Programs and has specific knowledge of the different programs and Board rules as well as the history of the overall approval process. During the 15 month time period prior to Ms. Wiebke being hired, this process was not being handled. In moving forward, Ms. Wiebke's department is working with the High Qualified Unit, institutions of higher education and the Arizona Education Association. The State Board of Education is asked to provide guidance due to the lack of specificity in the current rules. Due to a lack of quality standard criteria, judging the quality of a program and reducing subjectivity on the part of the reviewers, the review team members decided to use the 45 and 30 semester hours of education coursework as used elsewhere for certification requirements in Board rule. Based on comments/recommendations of the review team and responses from several programs, staff needs direction from the State Board of Education on implementing the Institutional Recommendation Program.

Review of the four current paths leading to teacher certification in Arizona. *(See PowerPoint Presentation in materials packet)*

- Professional Preparation Program in an accredited higher education institution
- Completion of a Board-Approved Teacher Preparation Program
- Student submits official transcripts and course-by-course evaluation is done meeting required education course hours and student teaching
- Student comes from another state with a valid certificate

The challenge for this department is the Board-approved teacher preparation programs. Board-approved teacher preparation programs yield an Institutional Recommendation. Because of what is perceived as a lack of oversight on the part of the ADE, and program changes at the institutions since 1998, IR's are currently being issued for professional preparation programs that are different from the original application approved by the SBE. We need to acknowledge and take responsibility for this. Adding to the challenge is the lack of records of past program evaluations and approvals, giving an incomplete history.

Currently there are 16 institutions of higher education that have received Institutional Recommendation status:

- ASU Main
- ASU East
- ASU West
- Arizona Teachers Institute
- Apollo
- Grand Canyon University
- Northern Arizona University
- Ottawa University
- Pima Community College
- Prescott College
- Rio Salado College
- Scottsdale Community College
- Southwestern College
- U of A
- University of Phoenix
- Western Governor's University

Ms. Hardy presented the history of the professional program approval process utilizing past SBE meeting minutes, ADE personnel and documentation provided by the higher education institutions currently requesting full program approval. Reviewers represented public and private higher education institutions, universities, colleges, the Arizona Education Association and staff from ADE. The reviewers spent many hours in this process. *(Please see the Review of ADE Procedures and Challenges, summary sheets of*

Arizona's institutes of higher education, and copies of articles provided as further background and supporting information).

Ms. Wiebke asked for direction from the SBE for the current programs as well as new programs requesting the IR approval.

Ms. Farley explained the available options to apply to the renewal of the IRs, which will be brought to the SBE in March 2004. Ms. Farley advised the Board to move forward in making rule changes to avoid similar obstacles in the future. Right now a two-year provisional or conditional approval is granted upon application and then upon re-application, a two-year full approval is granted. After that there is no process spelled out in the Board rule, so the assumption is that they continue on the two-year full approval if they meet the criteria. The criteria calls for submission of materials, but there is very little in terms of evaluation criteria. The review teams have recognized this and have tried to look at standards elsewhere in Board rules, which is equal to reviewing a course-by-course evaluation. Ms. Farley recommends pulling some groups together to revise the rules based on the Board's dialogue and input from the field in preparation for the March 2004 presentation. There will probably be three options to consider at the March 2004 meeting:

- Adopt recommendations of the review teams and approve the recommended programs retroactively to when they have expired. Review team recommendations are for 30 hours for a secondary degree and 45 education hours for an elementary degree, for graduates of Fall 2004.
- Establish that the existing IR's have expired and schools must re-apply for conditional approval with an evaluation rubric to be brought to the SBE for approval.
- Approve all existing IR's (16 programs) for a second conditional program approval based on the fact that there are large differences in most of those IR's from programs that were received to review this time than what was initially provided in 1999. This approval will be based on the fact that they meet the minimum requirements in Board rules, which is 75% of their students have passed AEPA professional knowledge portion on the first administration.

Ms. Farley recommends the Board have a discussion about whether or not they are satisfied this is significant, whether this is appropriate criteria on which to base programs, or whether or not there are other criteria that should be used in the evaluation process. In "Options 1" and "3" the Board also needs to discuss whether IR's should be intended for only graduates of education programs in which degrees are awarded or whether a list of menu classes should be approved which individuals can choose from and receive an IR. Currently we have programs that are both. The Board rule states it shall be completion of an education program. Staff and legal counsel are reviewing the current practice of IRs approved by this Board for endorsements to certificate. No references to endorsements are seen in the Board rule and endorsement criteria are very clearly spelled out and it is course specific. Staff and legal counsel are evaluating as to whether it is appropriate to have IR's in this area and will have a recommendation for the Board in March.

Dr. Pedicone asked for clarification regarding today's presentation: this is an explanation of the condition to date, the Board would be asked to make a decision at the next meeting and to clarify that several of these have expired. Ms. Farley explained that because of the substantial amount of substance to this presentation, staff felt it was better to present the information at this meeting and at the March 2004 meeting all expired programs and those that are coming up to their expiration date will be brought back to the Board for a decision as to whether to approve retroactively continuing the IR's. No action is being sought today.

Dr. Pedicone asked for clarification regarding the 8 credit hour student teaching requirements. Ms. Wiebke explained that the institution reports vary from a half semester to a full semester of student teaching, depending on the institution. Board rule requires 8 credit hours. Ms. Farley added that the 8 credit hours are the requirement if a transcript evaluation is being done on a course-by-course basis. Elementary education would be 45 credit hours of classes, 8 of which must be student teaching. Some

institutions award credit hours differently, on a semester basis or as clock hours, making it less than a semester and if a student graduates from an accredited education program a certificate is awarded without a course-by-course evaluation..

Dr. Pedicone asked about the other kinds of programs mentioned. Ms. Farley explained that these are education courses that do not add up to a program or degree, traditional education courses but not a collection considered leading to a degree in education. Superintendent Horne added that in regards to the timeline on decision making, a version of "Option 3" is being worked on presently that would maintain the status quo until this Board can make decisions on what certification should look like. Task forces that are working on this are due to report back in May 2004 and will propose some significant changes, including whether 30 and 45 are the correct numbers for general certification.

Dr. Diethelm brought up the value added by the institutional recommendations. Another option could be for the SBE to specify the requirements for teacher certification, have the assessment correlate with that specification and, rather than trying to judge the institution, leave it up to the institutions' ability and creativity to live up to the specifications for their students. If many of an institution's graduates fail to pass the certification exam, that would be a way to judge the institution without penalizing individual students. In addition, Dr. Diethelm asked what the statutory requirement is to have an IR program, to which Ms. Farley replied there is no statutory requirement for us to have an IR program. From the historical background, it was primarily to accomplish allowing institutions other than higher education institutions to train teachers. In reality there is one such approved program that is not an accredited institution of higher education. Ms. Farley reported that she has met with various student academic advisors who reported that the IR provides a feeling of comfort for students when they go to the Arizona Department of Education that they will receive a certificate. Regarding institutions that are not affiliated with higher education institutions, the Certification Advisory Committee has been talking in terms of alternative routes to teacher preparation and how to recognize districts and charter schools that would do their own professional development programs. Dr. Diethelm commented that the highest priority is to get the information out as to what the SBE feels are the most critical requirements, i.e., writing lesson plans to the Arizona standards and implementing classroom teaching to the Arizona standards that assists in the performance of students. We need a process to put this emphasis in the hands of educators to incent them to move as quickly as possible.

Ms. Hilde asked for a review of what happens if someone comes in without an IR. Ms. Hardy responded with some scenario examples:

- Person has an official transcript from UofA, for example, showing degree granted, this is considered a completion of a teacher preparation program. If all other criteria have been met, (AEPA exams, fingerprint clearance, fees paid, application completed), certificate would be issued based on the official transcript.
- Person has transcript with a Bachelor's degree in Social Work, for example, and coursework in elementary education from another institution. They look for the completion of a Bachelor's degree and completion of 45 or 30 hours of education coursework depending on the certificate including 8 semester hours of student teaching.
- Applicant from out of state with a valid elementary certificate, having taken both exams and met all other requirements, would be issued a provisional elementary certificate.

These are options available other than the IR, which is only available to the Arizona State Board approved institutions of higher learning. Ms. Hilde asked about a situation of a person coming from a small private out-of-state college who hasn't been certified in another state, what is the process? Ms. Hardy explained that if they do not have a degree in elementary, secondary or special education, they go through the same process for a course-by-course evaluation, after determining the institution is accredited.

Members of the public addressing the SBE regarding this issue:

- John Wright, Vice President, Arizona Education Association, expressed their views regarding this fundamental set of decisions to be made. Mr. Wright reminded members that the SBE has adopted Arizona teaching standards and performance standards that speak specifically to the skills and knowledge that teachers are expected to bring to the classroom. Mr. Wright urged the SBE to look for what is needed in the classroom. In addition, we have expectations for students to meet standards and demonstrate performance and knowledge skills to graduate from our schools. Transcript reviews are not enough for our high school students any more. As the SBE looks toward approving teacher preparation programs, an appropriate rubric in the context of standards based reform should be sought. It is important to see that someone has been guided through the higher education program as they accumulate knowledge and skills, but a rubric and set of standards to evaluate this work and program is critical to be sure the SBE is approving programs that bring quality teachers who can give quality instruction. Mr. Wright suggested finding some way to review or address those standards of an accreditation nature that are used nationally for this program, for example from the National Council of Accreditation for Teacher Education, could give guidelines.
- Don Flake, Arizona Teachers Institute, represented the only non-university non-college teacher preparation program, similar to the model in Texas. Mr. Flake believes that Dr. Diethelm's approach is possible, documenting that a teacher has the ability to meet the standards. In addition, they believe it is important to put the teacher in front of a classroom to demonstrate those skills. The ATI program assists people who may have various other degrees and have decided to become a teacher. Ninety-two percent of their students pass the teacher proficiency exam. Ms. Hilde asked if the teachers who have been placed in a classroom are the teacher of record for that class during the first year. Mr. Flake explained their three-phase process:
 - Quick review of teacher preparation content
 - Work with small groups to see the learning process
 - Teacher of record in the classroom perhaps as an intern under a mentor and the direction of the principal and a supervising teacher

Ms. Hoover asked why ATI is not accredited and Mr. Flake replied they are not in the business of being a college or university. They attract re-careering adults who now decide to become teachers and come to ATI's teacher preparation program. All instructors at ATI have a Master's degree and above.

Superintendent Horne commented that it is necessary to solve the problem of teacher certification as quickly as possible.

At 10:15AM, motion by Dr. Diethelm that the State Board of Education go into Executive Session for consultation and legal advice and/or for instructing the Board's attorneys regarding recent court rulings and possible implications on upcoming certification agenda items. Seconded by Ms. Bittner. Motion passes.

Executive Session concluded at 10:42AM and the State Board of Education resumed its General Session.

5. CALL TO THE PUBLIC

No one requested to speak.

6. GENERAL SESSION

A. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Deny Certification for the Following Individual:

NOTE: Superintendent Horne recused himself from this item as he has had financial dealings with one of the cases in the past.

1. Mr. Raymond Aucker, Case #C-12-01-02

Mr. Yanez presented background information regarding Mr. Aucker's case. Mr. Aucker was not present to address the Board. Dr. Diethelm commented that the findings of the PPAC clearly demonstrate that this kind of behavior makes a person unfit to teach in Arizona. Motion by Dr. Diethelm to accept the recommendation of the PPAC and deny Raymond E. Aucker's application for certification. Seconded by Dr. Crow. *Motion passes.*

2. Ms. Mary Zordan, Case #C-02-03-05

Mr. Yanez presented background information and an overview of the circumstances regarding Ms. Zordan's case. Response was provided by Ms. Zordan and her legal counsel, Mr. Bill Holder.

Motion by Ms. Hilde to remand the Zordan case back to the PPAC to review specific issues in light of the Winters' case. Seconded by Ms. Bittner. *Superintendent Horne did not vote due to the previously stated reason with Ms. Hoover and Dr. Pedicone voting no. Motion passes.*

At this point, the Board moved to Item 6G to accommodate the audience.

B. Review and Update of Certification Case #C-2002-092, Regarding Jennifer Jeong and Possible Consideration for Action Regarding Review of her Application for Certification, and the Proposed Settlement Agreement. Pursuant to A.R.S. §38-431.03(A) (3) and (4), the Board may vote to go into Executive Session for consultation and legal advice and/or for instructing the Board's attorneys regarding the Board's position in connection with this issue.

Mr. Yanez presented background information regarding Ms. Jeong's proposed negotiated settlement agreement and outlined the options available to the Board.

Dr. Pedicone asked if there was anything that has happened since the last PPAC recommendation and today that would change the view what the PPAC would recommend. Mr. Yanez replied that the PPAC's recommendation was to deny certification and they have not seen the proposed negotiated settlement agreement and no new information has been seen by the PPAC so he sees no reason they would make a different recommendation.

Ms. Jeong addressed the Board. Regarding the Tempe police report, she stated that she didn't know there was such a report until December 2003, when she was made aware of it by her former attorney, Mr. Holder. She further explained that nothing happened and she was never alone with the student.

Dr. Pedicone clarified that Ms. Jeong was on administrative leave from the school district on the night that she went to the hotel, and reiterated other incidents, which were brought forward in a previous State Board meeting. Dr. Pedicone asked if the conditions of Ms. Jeong's leave with the district were such that she should not have any contact with this student at any event on campus or otherwise at a school-related event. Ms. Jeong replied that she was not to have contact with any student on campus. Dr. Pedicone asked if this applied to school events as well. Ms. Jeong stated this was not clear to her. Dr. Pedicone continued to reiterate the events from the Tempe police report and referred to statements given by other students who were present during the incident. Ms. Jeong responded that she left before anything happened. Ms. Jeong feels the statements are being given by the mother of the student, rather than other students, in an effort to discredit her because she knows sensitive information about the family. Dr. Pedicone stated he was having trouble getting past the incident of Ms. Jeong bringing a student into a bar, then Ms. Jeong was placed on leave, and elected to visit the student in a hotel room in Tempe.

Superintendent Horne stated the negotiated agreement was made by both sides and there is an affidavit of a student saying these events did not occur.

Mr. Jeff Abertman, attorney for Ms. Jeong, addressed the Board stating that Ms. Jeong recognizes that she engaged in improper conduct. The thing they believe is inaccurate in the agreement is in respect to paragraph 6, the Tempe incident. Beginning with the first complete sentence on line 8 and ending with line 10, Ms. Jeong does not agree that it is factual and is otherwise willing to sign this agreement as written, which would keep her on a pretty short leash. Mr. Abertman stated the Tempe police report was not very professionally done and includes a huge amount of hearsay and allegations by someone who was not present. There was no interview contained in the report. Mr. Abertman interviewed the student in question, who is now 18 years old. Ms. Jeong's family home burned and Ms. Jeong's life was threatened and there is a lot more to this case than meets the eye. Mr. Abertman asked the Board to recognize that this agreement does two things:

- Ms. Jeong should eventually be granted a teaching certificate, and if she is granted the certificate assuming she meets all the other criteria, she will be kept on a very short leash during the probationary period;
- During the probationary period it will be hard for her to get a job in the state of Arizona, if not impossible because of the disclosure requirements.

Ms. Kramer asked if Mr. Abertman was asking the Board to totally disregard the Tempe police reports. Mr. Abertman stated the police report is important, but he is asking them to disregard it as either hearsay, opinion or unclear. Paragraph 6 of the stipulated facts in the Agreement is accurate, "on or between June 8, 2002, and June 10, 2002, Jennifer Jeong visited the student at a Tempe hotel room where the student was staying while participating in a basketball tournament." Mr. Abertman is also asking the Board to consider the context for Ms. Jeong's actions, which was not visiting a student alone in a hotel room. There were a number of people present and what actually happened there is not a matter of conjecture but is a matter of what the witnesses will say. There are factual statements from Ms. Jeong and the student, but not from the other people involved, but rather hearsay statements by the students.

Superintendent Horne noted that there is a sworn affidavit by an eyewitness, which takes precedence over hearsay or the police report and there is an agreement between the Attorney General's office and the teacher.

Ms. Farley clarified that this negotiated settlement was explored and drafted at the request of this Board with some very specific directions as to what should be included, and with that intent, staff, Ms. Jeong and her legal counsel prepared the agreement to bring to the Board for consideration. The initial recommendation of the PPAC was to deny certification, and all of those options are before the Board today. This agreement was drafted with legal counsel input at the Board's direction.

Dr. Pedicone agreed that this is serious and a matter of whom one believes. Dr. Pedicone is troubled by the fact that Ms. Jeong took a student into a bar, which brought about serious allegations of sexual conduct with a minor, understanding that Ms. Jeong denies these allegations, and Ms. Jeong, having been placed on administrative leave used judgment errors in visiting the student while in Tempe. Dr. Pedicone stated this was remarkably bad judgment.

Mr. Abertman stated that the situation of visiting a bar was not just a bar, but also a restaurant, where Ms. Jeong should not have gone, but it was not just a bar. In addition, he doesn't believe there is any reason to disbelieve the student's affidavit. Mr. Abertman suggested to the Board that this happened well over one year and seven months ago, that maybe Ms. Jeong has learned her lesson, maybe she is using better judgment and deserves a chance to show she has changed.

Ms. Basha asked Mr. Yanez if the PPAC interviewed the student and Mr. Yanez stated that since this was a review hearing and not a full disciplinary matter where witnesses are interviewed, the Committee had documents and statements from Ms. Jeong and they only interviewed Ms. Jeong.

Motion by Dr. Diethelm to modify the settlement agreement by striking paragraph 2-6 and approve it. Seconded by Superintendent Horne. Dr. Diethelm clarified that paragraph 2-6 is the description of the Tempe incident.

Ms. Pollock, Assistant Attorney General, sought clarification from Dr. Diethelm if his motion is regarding the starting of the second sentence of #6, page 3, or the entire paragraph, to which Dr. Diethelm suggested in the interest of simplicity to strike the entire paragraph.

Ms. Hoover asked if the Board is being asked to determine the validity of documents, i.e., Tempe police report, student affidavit, and to decide without hearing from these parties. She would vote against the motion on that basis. How can the Board take one person's word over another and decide if someone else is telling the truth.

Ms. Pollock explained that there has not been a hearing in this matter, which is why evidence cannot be pointed to as facts. By virtue of entering into a settlement agreement the terms of the agreement as the Board has proposed, and the motion on the table is to eliminate paragraph 6, those are the terms that become fact. Therefore the Board is saying that the terms of the agreement listed, paragraphs 1-7 and eliminating paragraph 6, those are fact and the incident with regard to the Tempe police report as the motion on the table states, would not be eluded to.

Mr. Abertman agreed with Ms. Pollock's statements and stated that the terms in the settlement agreement are facts that Ms. Jeong does not contest and agrees with. Those items that Ms. Jeong cannot stipulate to and doesn't believe are correct are being asked to be removed because this will become part of her school record. Mr. Abertman also pointed out in response to Ms. Hoover's comment, that police are not witnesses.

Dr. Pedicone clarified that this statement is not a statement that Ms. Jeong disagrees with, which includes the student coach's statement. Mr. Abertman stated the student coach sentence and the next sentence are the two sentences Ms. Jeong disagrees with.

Ms. Farley added, from the staff's perspective, that Ms. Jeong has had this negotiated settlement for two months to review, and it was staff's understanding that she was ready to sign this agreement as proposed. This is the first representation that this negotiated settlement was not prepared and ready for the Board's consideration and for that, Ms. Farley apologized.

Ms. Basha stated there is so much "he-said, she-said" involved, making it clear the Board doesn't have the explanations needed. If the Board rejects the negotiated settlement and denies certification, does this go back to the PPAC?

Ms. Epstein explained that the Board has one option on the table to approve the agreement with whatever modifications the Board deems appropriate. The Board's other options are: (1) to approve the application for certification, (2) to adopt the findings of the PPAC that there was immoral and unprofessional conduct and make any additional findings as appropriate and (3) deny certification. To deny certification would entitle Ms. Jeong to appeal and go to a full hearing before the PPAC, at which point it would come back to the Board.

Ms. Basha asked for the motion to be re-read, which Ms. Farley did: Accept the proposed settlement agreement for Jennifer Jeong with the exception of striking section two, paragraph six from the agreement.

Ms. Hilde asked if it cannot go back to hearing unless the Board votes to deny.

Ms. Farley clarified this was an application for certification. Ms. Jeong was previously on a emergency certificate and all these allegations came about after the expiration of that certificate and disciplinary action was not taken at that time. These were taken on her application for additional certification. These are handled, administratively, as a review in front of the PPAC rather than a full hearing. If the Board denies certification, Ms. Jeong's hearing would be, if she decides to appeal that decision, would have a full hearing.

Mr. Abertman stated the purpose for a hearing or a trial is to determine facts and in this agreement Ms. Jeong is admitting to the facts that are here. These facts will not change by a hearing. Ms.

Jeong has admitted to unprofessional conduct and if this goes back to a hearing, Ms. Jeong will again admit to unprofessional conduct and we will be back in the same place again.

Ms. Basha stated that it is disturbing during the process of drafting an agreement, another report is received, then the Board meets and more modifications are requested, making it seem like they are being bounced around on the issue. Ms. Basha asked Ms. Farley to re-read the motion: Accept the proposed settlement agreement for Jennifer Jeong with the exception of striking section two, paragraph six from the negotiated settlement agreement.

Vote: 2 Aye, 5 Opposed (Superintendent Horne and Dr. Diethelm voting yes). Dr. Crow was absent at this time.

A subsequent motion was made by Ms. Hoover to reject the proposed settlement agreement and deny Ms. Jeong's application for certification. Seconded by Ms. Kramer. Vote: 5 Aye, 2 Opposed (Superintendent Horne and Dr. Diethelm). Dr. Crow was absent at this time. *Motion passes.*

C. Update on School Improvement Process and Solutions Teams.

Mr. Dale Parcell, Deputy Associate Superintendent for School Improvement presented an update on the process that has occurred since the November 2003 Board meeting where the qualifications were established:

- 269 applications received to date
 - 71 teachers
 - 50 building-level administrators
 - 74 district-level administrators
 - 8 university professors or other university staff
 - 62 retired educators and education consultants
- 36 applications did not meet the screening criteria of demonstrated expertise in the area of Master Teacher, curriculum and assessment expertise, or fiscal analysts
- 214 individuals have completed the training to date
- applications continue to be received and additional training sessions will be scheduled
- teams have been assigned to 62 of 134 underperforming schools
- goal is to be in 80% of schools by March 5, taking testing, spring breaks, etc., into consideration when scheduling visits

In addition, Mr. Parcell updated the Board on the common threads of findings to date and areas to address:

- school improvement plan required of underperforming schools as well as the comprehensive professional development plan for administrators and staff members aligned to the school improvement plan
- leadership: increase administrative attention to using student achievement data
- regularly scheduled classroom visitation
- feedback to teachers regarding effective instructional strategies
- increase teacher attention to data driven instruction, student time on task, student engagement in task, active participation, and effective use of questioning strategies that include higher level responses

After a Solutions Team visit, ongoing support from program specialists, one in Tucson and three in Phoenix, will make monthly contacts for a year and quarterly contacts in the second year for the purpose of clarifying recommendations and making sure the school leadership understands how to act on the recommendations of the Solutions Team. In addition, there will be assistance from the Best Practices section at ADE, through the leadership of Cheryl Lebo, Deputy Associate Superintendent, who is developing the framework of support directly related to the findings of the Solutions Team for each school.

Solutions Teams are being received positively by schools and in some schools the Solutions Team's process has validated measures already in place to raise student achievement. In other schools the Team's findings have challenged the school to redirect its improvement efforts. The media response to this has resulted in a number of positive articles and reports once individuals in that field have gained an understanding of the supportive nature of the Teams. Overall the response has been positive to providing assistance now as opposed to assistance that would have come to failing schools. The 214 Arizona educators that have been trained have already begun to create a ripple effect of school improvement around the state. Several superintendents have taken the rubric back to their districts for use in all schools, performing, highly performing and excelling. Mr. Parcell shared comments from four individuals involved in Solutions Team trainings and serving on Solutions Teams that expressed support for this process. Ms. Hilde has heard conversations from principals and Solutions Team members, who have stated they are growing through this process and have great respect for the training.

D. Presentation and Discussion of the Career and Technical Education Delivery System Project.

Ms. Helen Bootsma, Career Pathways Team Manager, Arizona Department of Education Career and Technical Education (CTE) on behalf of Mr. Milt Ericksen, Deputy Superintendent and State Director of Career and Technical Education who is ill. The following information is an update on the CTE research project:

- CTE is requesting input on the work completed to this point on this project and the continuation and completion of all twelve major recommendations showcased in the project.
- A national report was provided on the state of CTE across the United States for review.
- Ms. Bootsma thanked constituents across the state, Superintendent Horne and his Executive Team, Lillie Sly, Sharon Collins and Ruth Solomon, for their sub-committee participation as well as members of the state CTE advisory committee.

Arizona CTE is receiving national recognition for two reasons:

- Academic infusion of the relevant and current academic standards
- Research project and data snapshot that is being presented to other larger groups across the United States

The Career and Technical Education Division is asking for input and direction today as they continue this exciting journey for exemplary CTE program delivery in Arizona.

Ms. Grace Figueroa, who is with Banner Health, the largest health care provider in Arizona and one of the largest employers in the state, presented the background information and gave an update on where they are to date, as well as the future recommendations that will be addressed. Banner Health is proud to support Career and Technical Education because it makes a significant impact on their industry. Included in the background information, Ms. Figueroa outlined the work of the ad hoc committee as it worked to prioritize recommendations, develop concepts, and formulate the mission and vision statements. *(See complete packet of materials provided by the Career and Technical Education division)*

Ms. Figueroa expressed the desire of the CTE Advisory Committee for input and assistance from the State Board.

The Chair of the committee expressed their gratitude to Dr. Diethelm for his attendance representing the State Board and his input.

Superintendent Horne also expressed appreciation on behalf of the Arizona Department of Education for the work that has been done. The CTE program is one of the leaders in the country integrating academics with career and technical education. The Superintendent urged everyone to

continue to talk to their U.S. Senators and Representatives about continuing funding for these programs.

Mr. Greg Donovan, Chair of the Advisory Committee, reiterated that the Committee serves as an arm of the State Board, appointed by the State Board and is grateful for the support.

Ms. Basha expressed the Board's appreciation for the Committee's time and this report.

E. Consideration to Determine Non-Compliance with The Uniform System of Financial Records (USFR) Pursuant to A.R.S. §15-272 and Consideration to Withhold State Funds From the Following School Districts:

1. Flagstaff Unified School District

Ms. Epstein presented this item to the Board noting the deficiencies and requirements outlined in the background information and the proposed consent agreement for consideration and for approval. The primary area of concern was the failure to reconcile cash balances with the Coconino County Treasurer. That deficiency and others noted by the Auditor General are included in the agreement, which calls for a reduction of 5% of state aid from Flagstaff as a penalty for the non-compliance, requiring them to follow the implementation plan and take whatever steps are necessary to achieve USFR compliance. The district expects to achieve USFR compliance by August 15, 2004 or sooner. The district is to notify the State Board and Auditor General when they believe they have achieved USFR compliance. At that time the Auditor General will conduct another status review to determine whether or not they have achieved USFR compliance. The agreement also includes a provision, which precludes the district from taking the 5% reduction out of student programs.

Mr. Kevin Brown, Superintendent, Flagstaff USD addressed the Board regarding the status of Flagstaff's governing board and financial situation, agreeing with the facts presented by legal counsel. The district is now caught up to November 2003 with the cash reconciliation after entering into an aggressive timeline with the County Superintendent's office. Remarkable progress has been made to date and procedures have been put into place to prevent this from happening again.

Ms. Cecilia Owens, Coconino County School Superintendent, addressed the Board outlining the history of Flagstaff USD's financial reporting problems to date and stated her belief that with the current changes, three new experienced board members, a new finance director with a clear understanding of the financial system, a new superintendent well acquainted with the district's strengths, increased financial and payroll staff, training at the school sites, and technical support for the student information system, are significant and stabilizing efforts that have been made to re-construct the district's infrastructure. Ms. Owens assured the Board that FUSD is re-structuring on a solid foundation and asked the Board to consider not withholding the 5% reduction stipulated in the consent agreement.

Mr. George Ritchie, Business Manager, addressed the Board giving the history of the changes in financial systems and implementation of new computers, where the gap occurred. The district has made a great deal of progress. A vast majority of items have been corrected and are cited in the Board packet with the exception of the cash reconciliation, which is current through November 30, 2003. The staff is working long and hard hours and Mr. Ritchie asked the Board to do what they can to assist the District in completing these tasks. The district knows the seriousness of the situation and has asked for more time than they feel is necessary to be perfectly up to date.

Ms. Epstein clarified that while the concerns and history of the district have been provided, this agreement was negotiated with Flagstaff's legal counsel, approved by the district's governing board last Tuesday. It is correct that nothing requires the district to wait until August 15 to report that they are in compliance, they may do so as soon as they can bring themselves to a point that

they feel an Auditor General's review may be warranted.

Motion by Dr. Diethelm to approve the settlement agreement with Flagstaff Unified School District as provided. Seconded by Dr. Pedicone. *Motion passes with member Bittner voting no.* Ms. Bittner asked for clarification regarding the specified percentage of 5% as to whether that the minimum the Board can consider or if it can be negotiated?

Ms. Epstein responded that no law sets what percentage of state funds can be withheld by this Board for USFR non-compliance. The statute gives the Board tremendous discretion to withhold any portion of state funds from districts that are out of compliance with USFR. Historically, this Board has voted to withhold 10% of state funds from districts that are out of compliance, somewhat analogous to the 10% withholding that would be applied against charter schools. The Board has also, however, viewed districts that come forward and acknowledge there is a history of non-compliance and are willing to take steps and responsibility for the situation. In past consent agreements, the Board has withheld 5%.

Dr. Pedicone voiced his appreciation for the level of integrity in the way this was approached and clarified that once the Auditor General has confirmed Flagstaff is in compliance, they can come back to the Board for restoration of the withheld funds. Ms. Epstein confirmed that this is the correct sequence of events.

Ms. Basha commented that the Board hopes to see Flagstaff back very soon so the funds can be restored as quickly as possible.

2. Douglas Unified School District

Ms. Epstein stated that Douglas has a history of non-compliance but they have also expressed an interest in discussing the possibility of a consent agreement and have asked that this matter be postponed until March 2004 to allow opportunity for those conversations to occur. With the Board's concurrence, a consent agreement will be brought to the Board in March 2004 for review and consideration.

F. Status report on C.I. Wilson Academy Charter School Consent Agreement and Other Program Compliance Issues and Possible Consideration for Action.

Ms. Farley gave a follow-up since the last Board meeting:

- All requirements in the consent agreement have been met as scheduled.
- We are expecting the 2003 audit, special review of the school's fiscal 2004 financial records, and agreed upon procedures on March 31, 2004. This will provide a clearer picture of the school's financial issues.
- A letter of engagement was received following the January Board meeting, notifying the selection of an auditor.
- The school has finalized its settlement agreement with the Arizona Department of Education regarding the overpayment of average daily membership funds.
- The school has repaid the state for students who were reported to be enrolled at a high school but actually never began their program at that high school.
- There are still some compliance issues outside of this consent agreement with regard to grants and reporting, however, C. I. Wilson Academy, who was formerly on programmatic hold with regard to special education, has achieved compliance according to our special education monitors, the federal programmatic hold has been withdrawn and they are now receiving special education funds again.
- Staff received a request to meet with the C. I. Wilson governing board. Ms. Farley and Ms. Jordison met with two of the eight governing board members of C. I. Wilson Academy, Mr. Wilson, their new business consultant and legal counsel. The board chair acknowledged they had been short in the business management area and want to get this

in order, agreeing with the State Board of Education's requirement to consolidate the schools, saving both administrative costs and time. The shortcomings seemed to be submitting items on time and in following policies and procedures.

- Staff recommended that the governing board establish a timeline that included all state and federal laws, the requirements of this consent agreement, and that they review all documents prior to them being submitted to the State Board. It was also indicated to them that it is not necessary to wait until the last minute to submit items and that it is fine to be ahead of the game, and they agreed.
- Recommendation was also made to obtain and retain quality staff, as the turnover in staff was of concern.

Mr. Leo Condos, Attorney for C. I. Wilson Academy, reiterated the numerous elements of success in the consent agreement:

- The new members of the board have been put into place and only one person of the seven-member board is actually an employee of the school.
- A payment plan has been set and is moving forward regarding the ADM audit.
- Phoenix College actually did not open this fiscal year and will be terminated in compliance with the consent agreement. The money received was paid back.
- Organizational structure has been changed and documentation provided to the State Board on December 15, 2003 and January 15, 2004.
- Appeared for the first annual report in January 2004 with updates.
- Elected new chairman, who was previously on the Board, has experience providing insurance to a number of charter schools and are taking a pro-active approach to make sure this school continues on its way to compliance with respect to the consent agreement.
- Eliminated the problem related to the special education issue.
- Working on tax issues relating to the merging of schools and will have necessary documentation for the State Board.
- Special business consultant has been brought in.
- School testing program and assessment has been put into place.
- Working with state and federal contacts regarding any grants they have received.
- Audit will be submitted before the deadline.

Mr. Condos requested an extension in the timeline regarding the audit to be conducted by Mr. Decker, however, as it would be a cost savings to the school agreed upon procedures.

Dr. Crow responded that, as chair of the sub-committee, it is clear that substantial progress has been made and is continuing to be made, but ultimately the real test is to comply no matter what. It is of note that \$25,000 may be taken from the school's budget to get a sped-up effort in place in terms of an accounting report; those are lessons to be learned and a part of making this school compliant in its administrative, fiduciary responsibilities in addition to its academic responsibilities. Dr. Crow stated that the sub-committee was impressed by the academic aspirations of the school and the achievement to date. However, the other factors were so egregious to grant any waiver at this stage would be to move back from the commitment as a Board in giving this school one more chance. Any variance from that "one more chance" is beyond that one more chance. Dr. Diethelm and Ms. Hilde concurred.

Mr. Condos stated that the school understands that but felt they had to bring this question to the Board. Ms. Basha thanked them for the update and the good report. No action was taken.

G. Presentation, Discussion and Possible Consideration to Approve Notice of Proposed Rulemaking for R7-2-613 Regarding English Language Learner Teacher Certification

Requirements.

Ms. Farley gave historical highlights regarding this rule as follows:

- In 1992 a case was filed by Flores against the State for failure to provide limited English students or ELL students with a program of instruction enabling them to master the standard academic curriculum required to become proficient in English language skills;
- June 30, 2000, parties entered into a consent order which included several mandates on this Board:
 - Promulgation of administrative rules
 - At the time this was signed by the Superintendent of Public Instruction, the Board was not consulted nor reviewed the consent order
- December 2001, House Bill 2010 was enacted;
- Proposition 203 passed by the voters of Arizona in 2000 made significant changes to ELL programs in the state;
- NCLB has also passed which affects program requirements and teacher requirements for all students in the state;
- Stipulated agreement subsequently signed after the passage of Prop 203 in November 2000;
 - Requires the state to determine the training, background and qualifications necessary for teachers of LEP students under Prop 203
 - State should write rules in this regard and make every effort to submit these rules to the Board by July 2001
- November 2001 staff brought recommendations to the Board of all the components in the consent decree including qualifications for teachers of ELL students;
- Counsel for the plaintiff appeared before the Board recommending there were several deficiencies in the notice of final rulemaking package, and specifically qualifications for teachers were insufficient;
- Board moved forward with rulemaking in other areas, but agreed to remove the teacher qualification section from that rule package;
- Completion of that first ELL Rules Package submitted to the Attorney General at the end of 2001 incurred supplemental rulemaking which delayed final completion and approval until January 2004; and
- During 2002-2003 various staff of the Arizona Department of Education convened several meetings of practitioners and constituents to discuss qualifications of teachers of ELLs;

Additionally, House Bill 2010 provided additional definition for the required components of Board rules regarding the qualifications of teachers of ELLs. Specifically the Legislature provided funding for school districts that provide teacher professional development consistent with the SEI endorsement that the Board will adopt. HB 2010 also mandated that Arizona universities overseen by the Arizona Board of Regents must require whatever courses the Board establishes in the provisional endorsement within their course of study for education students. The NCLB Act has also changed the landscape across the nation, sparking many conversations regarding the teacher component and the development of the Arizona HOUSSSE rubric. The rules the Board adopts will be above and beyond the certification requirements initially required for a teacher and the requirements for placement in a classroom as a highly qualified teacher under NCLB.

In September and December 2003 the ADE convened a group of stakeholders to re-engage in conversations regarding the requirements of SEI endorsement following the Board's adoptions of rules in November and in response to the Board asking ADE to make this issue of teacher

qualifications a priority and to bring recommendations to the Board as soon as possible.

Ms. Farley brought to the Board's attention a correction to the "Option 1" rule language, stating that there was a miscommunication as to who would be required to receive a structured English immersion endorsement. The language for "Option 1" in R-7-2-613 regarding endorsements and the endorsement in section J for structured English immersion endorsement, Item 1, language should be identical to language in "Option 2", which reads, "from and after August 31, 2006, an SEI, ESL or bilingual endorsement is required of all classroom teachers, SEI specialists, SEI resource teachers, supervisors, principals and superintendents." To clarify, "Option 1" would not distinguish and try to identify what an SEI classroom is, but should read the same as section (J)(1), in "Option 2" requiring that all classroom teachers, specialists, resource teachers and administrators, principals and superintendents would be required to have the SEI endorsement.

Ms. Irene Moreno presented the background information and chronology of events regarding the process and recommendations from the task force, which ADE convened during 2003. The task force developed a single set of comprehensive recommendations for establishing SEI endorsement requirements and implementation timelines. These were developed through consensus with one dissenting position. It was the expectation that the task force recommendations would be presented to the State Board of Education at the November meeting, however, at a legislative committee meeting, a bilingual proponent stated that ASU objected to the recommendation of the ELL field and would be countering the recommendations. Because of the undermining of the task force recommendations, Ms. Moreno was directed to convene a new work group that would include non-ELL members. This group, included ELL and non-ELL teachers and administrators, representation from the Central Arizona Bilingual Consortium, ASU, NAU and charter schools to ensure a balanced representation met on December 9, 2003. Legislation corresponding to the requirements, previous summaries, recommendations and discussions from the two SEI task force sessions on September 11, 2003 and September 30, 2003 were reviewed. This group made independent recommendations on SEI endorsement requirements. The final recommendations from the September 30th SEI endorsement task force were used as the discussion framework. Through lengthy discussions, this SEI non-ELL work group formulated recommendations that were essentially the same as the original SEI endorsement task force. The SEI non-ELL work group discussed the SEI requirements for existing teachers, principals and ELL coordinators. The SEI non-ELL work group expanded the task force recommendations to include administrators, discussed the importance of ELL education for all new and existing and certified staff members and administrators, and strongly agreed that district level administrators needed the SEI endorsement to better serve ELL students and their families. It was the intention of the task force and the SEI non-ELL work group to ensure that all Arizona teachers, administrators and ELL coordinators and directors have training in English immersion methodologies in order to serve all K-12 ELL students and ELL classrooms and in mainstream classrooms and content specific classrooms. Both groups proposed a two-pronged approach to SEI endorsements:

- Immediate training or class in SEI methods
- Additional 3 credits, or 45 clock hours, in SEI as part of re-certification requirements

While there is sensitivity to both the financial and educational demands on teachers and districts, the work group believed that 15 clock hours, or 1 credit hour of professional development in structured English immersion methods, was insignificant to substantially address the structured methodologies, cultural factors, and information about the second language acquisition. In order to meet the groups desire for more SEI endorsement requirements and to extend the instruction, the SEI non-ELL work group, and the previous SEI endorsement ELL task force, recommended additional SEI instruction to the re-certification process.

Later, Ms. Moreno was informed SEI endorsement could not be required and linked to re-certification. Therefore, "Option 2" language was modified to remove the tie to re-certification. However, the requirement for an additional 3 credit hours or 45 clock hours remained part of the full SEI endorsement requisite. It was also the intention of both task force groups to select a number of required SEI credit hours that would introduce all certified staff to ELL instructional strategies and would encourage them to acquire a full ESL bilingual endorsement. They did not want the SEI endorsement to replace or undermine the full ESL bilingual endorsement. Following these meetings, ADE staff shared "Option 2" at a January 8, bilingual consortia meeting. There were a few consortia members that did not support the "Option 2" proposal because they believed it did not provide sufficient coursework or professional development to serve ELL students. Dr. Eugene Garcia, Dean, College of Education, Arizona State University, also spoke at the January consortia meeting and expressed concern about the task force and the work group recommendations. It was noted that ASU as well as the bilingual consortium had representation at all of the task force and work group meetings. Following the January 2004 Board meeting, Dr. Garcia approached Margaret Garcia-Dugan, Associate Superintendent, Arizona Department of Education, requesting a meeting and on January 29, 2004, they met with Ms. Moreno, and Dr. Ovando, Associate Dean, College of Education, Arizona State University. "Option 1" represents a result of the January 29 meeting. Ms. Moreno again stressed that ASU did participate in the task force, with Dr. Ovando attending two of the task force meetings and Dr. Christian Faltis, Professor, College of Education, Arizona State University, attended the SEI non-ELL work group.

The task force and SEI non-ELL work group were re-convened as one large group on February 19, 2004 to share ASU's recommendation of "Option 1", reiterate the report of the joint task force and SEI non-ELL work group recommendation of "Option 2" and to introduce a third option. As all options were presented and questions answered, some participants felt an additional meeting to make changes was seen as a breach of trust between the original task force and the state department as well as a devaluation of their opinions, hard work and donated time away from the classroom and families. The words used were "bewilderment", "disappointment", and "disgust."

When Ms. Moreno became Deputy Associate Superintendent in April 2003, she was not aware of "Option 3" apparently developed by Mr. Tim Hogan, attorney at law, and a few consortium participants. Ms. Moreno was directed to establish a representative SEI endorsement task force to develop recommendations to the State Board of Education which included the bilingual consortium participants. The bilingual consortium participants never indicated the existence of this draft nor presented this option for discussion at any of the task force or work group meetings. Ms. Moreno's understanding is that "Option 3" was never presented and formally adopted through vote or consensus of the consortium participants and never went through a formal review process within that group. Several of the task force participants later shared that this draft was developed prior to any of the work done by English Acquisition Services Unit, including the development of the newly adopted K-12 ELL proficiency standards and they expressed concern that "Option 3" is outdated and not representative of all the consortium participants. "Option 3" simply modifies the language for ESL endorsement and renames it SEI/ESL endorsement. In review of the Arizona Revised Statutes, Ms. Moreno believes the legislature intended for school districts to be able to provide SEI endorsement training to their teachers through professional development hours, otherwise the law would not have included the provisions for training outside the university setting as long as instructors were approved by the Arizona Department of Education. An important consideration is that the districts can provide such training and the teachers are not required to pay for it.

Ms. Moreno reiterated that three statewide groups representing both ELL and non-ELL

stakeholders were convened not including the informational meeting on February 19, to provide the State Board with the SEI endorsement recommendation as a result of extensive discussion and through consensus. Task force and work group members re-confirmed their support and commitment to both the process and the resulting SEI recommendations incorporated in “2”. Under the proposed “Option 2”, the benefits to the ELL in Arizona K-12 system are extraordinary, whether one ELL child or many ELL children are in the classroom and whether the classroom is an ELL, mainstream, or content area classroom all of the teachers, administrators, ELL coordinators and directors will have learned the principals and methodology of structured English immersion and will have exposure to teaching strategies related to the K-12 English Language Learner Proficiency Standards adopted by the Board last month. Districts will continue to have the opportunity to be on the cutting edge of professional development as they will be able to focus their training to meet their own specific needs as they relate to the ELL student.

Ms. Moreno expressed her gratitude to all individuals who participated in the task force and work groups, and her support of the “Option 2” recommendations. Ms. Susie Seibert and Ms. Cindy Turner were facilitators of both the task force and work group sessions.

Superintendent Horne asked the Board to recognize the members of the task force who were present in the audience. Dr. Crow asked for clarification of the use of the word “undermining” as used in this report, to which Ms. Moreno responded that in an effort to take a gauge of participants she spoke to members in Nogales, Chinle and here in the Valley and that was the term they used as they felt their process had been undermined by the agreement to speak to persons outside the task force. Ms. Hilde commented that a lot of districts have been doing professional development around SEI for at least the last 3 years and asked if there is a plan to go back to those original dates and count those professional development hours to meet the criteria. Ms. Moreno responded that they have discussed this and ideally she would like to go back to the task force and work with the districts that have already done some of the training so it could meet these requirements.

Ms. Farley summarized each option before the Board for consideration, and reminded members that this is the first step in the rulemaking process. This will be the notice of proposed rulemaking whereby it is published in the administrative register, the Board takes its best faith effort to put out a good proposal and then a public hearing will be held about two months after the proposed rulemaking, whereby the public comments come back to the Board for notice of final rulemaking or consideration for supplemental rulemaking. There are additional points at which the public will have input and this Board can choose to modify the rules as necessary.

The following individuals from the public addressed the Board on this issue:

- Susan Rumann, Director of Curriculum, Madison School District in support of the efforts of the task force and urged the Board to keep students, hours, NCLB and cost in mind.
- Pandora Linnartz, Science Teacher, Sunnyslope High School, and a member of the non ELL SEI task force in support of “Option 2” as it is equitable for all teachers in Arizona.
- Daniel Barlow, ELL Teacher, Chinle, Arizona, a member of the HOUSSE task force, ELL standards task force, and SEI task force, spoke in support of “Option 2”.
- Marcy Granillo, Language Acquisition Director, Isaac District, and SEI endorsement task force member, reiterated areas to be considered when making this decision: rural area school districts, cost, professional development, and support of teachers teaching SEI. Practitioners are living the theory in support of “Option 2”.
- Andree Charlson, ELL Support Specialist, Washington Elementary District, and member of the non ELL task force in support of “Option 2”. Ms. Charlson emphasized the magnitude of the task to deliver training to all teachers, but that it is a necessity. If

training is delivered with clarity it will be effective because it is doable, realistic and it works.

- Leonard Basurto, Program Coordinator, Language/Reading, College of Education, University of Arizona, commended the task force and the Board for not rushing the decision. Mr. Basurto supports the Board in requiring ELL teachers to be of the highest standard and supports “Option 3”.
- Guadalupe Pana, parent and psychologist at Justicia Para Los Niños, stated that they believe the preparation of teachers of ELLs has already been reduced by 1/6 and anything less than “Option 3” will not be sufficient. Ms. Pana supports “Option 3”.
- Rose Johns, an individual who has held bilingual and classroom certification in Arizona for over 20 years. Presently Ms. Johns works in a school that is 40% ELL in a district that met AYP this year and where all teachers are required to get the ESL endorsement within three years. Ms. Johns support “Option 3”.
- Anita Riehm, recently retired after 25 years in public education, and echoed concerns raised and applauded efforts being made. Ms. Riehm supported “Option 3” as it provides a structured framework, addresses methods, assessment, theory, research on how the brain learns language, and promotes an understanding of the students and their families and how to reach out to them.
- Sal Gabaldon, representing parents who have waivers for bilingual education, supported “Option 3”. He expressed concern regarding SEI and the programs overlapping, especially at the secondary level. Parents are concerned about the issue of qualifications for teachers in an SEI program. He believes the other options would be lowering expectations of teachers regarding teaching ELLs.
- Marilyn Sanchez, Creighton District employee and faculty associate for ASU in the teacher preparation program spoke in support of “Option 3”. Ms. Sanchez commended the work of the task force, supports the inclusion of the principals since they have to evaluate the teachers but stated that this is not the time to lower standards. Ms. Sanchez emphasized that teachers make many decisions each day and need the proper training to be able to know how children learn, about their families and communities and that is provided in the coursework with “Option 3”.

Superintendent Horne clarified that under Proposition 203 the native language of the student can be used for collateral purposes.

- Anne Swigard, Language Acquisition Specialist, Paradise Valley USD, spoke in favor of “Option 2”. Paradise Valley requires a minimum of 15 hours’ training in best practices for ELLs for all instructional staff, including methods in the field of language acquisition. Teachers have ownership of their ELLs, wish to seek more training, and have a common language when discussing matters pertaining to ELLs. The Paradise Valley Bilingual Consortium would like to be included in developing models of instruction in “Option 2”.
- Lorraine Hendershott, Language Acquisition Director, Paradise Valley USD and Chair of Central Arizona Bilingual Consortium spoke in support of “Option 2”. They are in support of upholding a high standard of preparation and continue to support the endorsement of teachers who teach ELLs. The recommendation of the task force presents an attainable level of training for all teachers, maintenance of a more comprehensive ESL bilingual endorsement, a broader base of understanding and support for the education of ELLs.
- Michelle Covarrubias, National Board Certified Teacher and ESL endorsed language and literacy coach of the Isaac District supports “Option 2”. The key reason is the wording that states professional development or college credit. Theory is important but as a highly

qualified practitioner, she provides valuable structured staff development based on research and required by teachers to engage their students and seek results that can be shared and replicated in all classes, not just the SEI classroom.

For clarification Superintendent Horne asked Ms. Covarrubias the number of hours required to become a nationally board certified teacher and she stated it is over 200 hours.

- John Wright, Vice President, Arizona Education Association, spoke in support of “Option 2” stating that a highly qualified status is a basis of the knowledge of the content and that the teacher knows what they are teaching. This option would have all teachers coming into the classroom with some degree of training in instruction of ELLs.
- Bonnie Middleton, collaborative peer teacher for language acquisition working particularly with new teachers, spoke in support of “Option 3”. She believes that cutting requirements of teachers at a time when everything is being ratcheted up, does not make sense. The need for higher qualifications is there. As an adoptive parent of an ELL student from China, she wants the most qualified teacher working with her child.
- Dr. Janet Johnson, Chair, Education, Rio Salado College, and member of the task force, spoke in support of “Option 2”. To clarify previous comments, Dr. Johnson made the following observations: 1) two ESL courses have been added to the curriculum at Rio Salado so students graduating are already prepared as is now being suggested; 2) requirements are not being cut, but rather a new layer is being added.
- Mary Jane Santos, task force member, spoke in support of “Option 2” and felt the work of the task force was done with dignity, listening to voices from all areas of the state and different arenas, and looking at what colleges and universities are doing. As principal of an A+ National Blue Ribbon School, she also heard what her teachers wanted. This will increase sensitivity, strategies, methodologies, and the breadth is there. This option needs to be dignified by this Board.

Ms. Bittner commented from her personal experience as a child beginning school and not speaking English. She is very sensitive to this issue and thanks the task force members and wants to support them. Issues brought up in “Option 3” are also valid. Ms. Bittner emphasized that children are to be valued and brought to their full potential and the decisions made by the State Board of Education are made to give direction based on how to best serve children. Ms. Bittner counts on everyone being professional and caring enough to know that the bottom line is what is best for children.

Dr. Crow asked if “Option 1” is a compromise between “Options 2” and “3”. Ms. Moreno responded that it is actually a compromise with “Option 2”, but added that the compromise was also in consideration of “Option 3”.

Dr. Pedicone appreciated the input and was struck by the comments that suggested this was a lowering of expectations. Rather, components to expand opportunities for all teachers to be introduced to effective teaching seem to fit in “Option 2”.

Ms. Hoover commented regarding her experience growing up in a Spanish speaking home but was not allowed to speak that language because her family thought she would have trouble later on in school. In addition, she is Indian, and was not allowed to speak that language. She added that numerous tribes in our state communicate with each other in English because their languages are very difficult. There are a lot of families in dual language homes.

Dr. Diethelm reiterated the difference between “Options 1” and “2” is that in “Option 1” there is a slightly higher (33%) academic requirement than in “Option 2”, and in situations where the classroom environment requires much more intense background, a district can and should require an ELL or ESL endorsement as well as SEI.

Ms. Hilde noted that districts still have the ability to go beyond the standard that will be set here

for SEI and that it seems like “Option 2” lays that base of assurance for all children knowing that all districts can go further, even the small and/or rural districts.

Ms. Basha commented that this discussion has demonstrated the complex nature of this issue and something that will be wrestled with as the Board moves forward, being very conscientious to find the right answer and have our schools ready for children.

Superintendent Horne commented that all sides presenting today were very professional and dignified and expressed appreciation for that. He also pointed out that the 15 clock hours in “Option 2” is only the immediate requirement for experienced teachers. Ultimately all teachers will have to have 45 clock hours. The Superintendent wants to support the task force and appreciates, all who worked to reach a compromise as views from all sides of the issue were considered. He believes “Option 2” is the best result of the work of the task force and urged its support.

Motion by Superintendent Horne to approve the notice of proposed rulemaking for R7-2-613 and add the Structured English Immersion endorsement as presented in “Option 2”. Seconded by Dr. Pedicone. *Motion passes. Dr. Crow voted no.*

Ms. Bittner explained that when she was teaching it was not only the children with another home language that had problems. Children who are Native American or English speakers had difficult times. “Option 2” talks about all children and procedures that schools/districts can choose what they want to do to help the children.

Board adjourned for lunch at 12:45PM.

Board re-convened at 1:15PM with a change in the Agenda order to accommodate members’ schedules.

H. Presentation, Discussion and Update Regarding the State-Mandated Testing Policy/Dual Purpose Assessment and the RFP.

Dr. Ron Cariveau gave an update regarding the progress with the assessment system. Points in the RFP demonstrating that the concerns of the Board have been kept in mind are:

- Enough NRT items to establish a reliable link to equating procedures for connecting the AIMS scale to the NRT scales;
- Aligned with the Arizona standard statements and must include procedures in the alignment study allowing ADE to evaluate the reliability and validity of the item classifications;
- Contractors will contact ADE for determining the best methods of securing test forms and booklets
- Development of a test item bank;
- Items written by teachers are equivalent to NRT items in DPA format; stored in item bank;
- Evaluate and implement designs, procedures, and analysis to maintain stable scale across years;
- Use methodology recommended by NAAC and submitted by Dr. Joe Ryan, ASU West;
- Performance standards set by and approved by the State Board of Education;
- Contractor shall meet the turn-around time delivering reports in 20-30 calendar days depending on the specific test and content areas and degree of score aggregation;
- Special graduating seniors report to be produced in 30-45 days;
- Quality control plans documentation;
- Compelling evidence of compatibility with accountability and assessment

requirements, and reliability and validity with previous data scales;

- Deadline for RFP submissions moved from February 27 to March 1, 2004.

Dr. Pedicone asked if it is likely the companies would respond to these requirements, especially the aggressive timeframe. Dr. Carriveau stated that it looks very positive.

I. Presentation, Discussion and Possible Consideration to Approve Adjusting the AIMS 8th Grade Math Cut Scores.

Dr. Carriveau presented the item, addressing the particular concern of the Board being the impact this would have. The main point of resetting the adjustment is to move the cut point for “meets” an equivalent of three items, which would lower the percentage from 78% to 72% correct for 8th grade math, putting it in alignment with all other grade levels and other content areas. There is minimal to no impact regarding the AYP minimum regarding AZ LEARNS.

Dr. Laczko-Kerr presented information based on the modifications and adjustments presented and the implications for the AZ LEARNS formula. There is no impact based on SAT9 data. This recommendation would impact AZ LEARNS formula in terms of the ability to write consistent reliable and fair evaluations for schools in three main parts:

- Statute requires development of a scientifically based formula and in order to use consistent data to make a school determination, this would ensure that we had comparable information in the system;
- Superintendent and the State Board of Education has required the development of a fair and accurate system; an example of adjustments that have been made are (1) the N-count where all data was adjusted for the 2003 formula, 16 to 30, and all data will be adjusted reflecting the Board’s decision to move from 30 to 16 for the 2004 formula, and (2) mobility: in 2002 all student test scores were included regardless of mobility and in 2003 students were excluded who weren’t there for the full academic year.
- Specific adjustments to the formula, as in the 8th grade mathematics, will need to be made because if baseline data were not adjusted, we would expect to see a spike for 2004 data.

NCLB impacts will be discussed with USDOE staff, but there is not anticipated to be a great amount of change for NCLB calculations. This recommendation will also be taken to NAAC advisory committee to shore up the methodology specific details to make it as psychometrically sound as possible.

Motion by Dr. Pedicone to approve lowering the 8th grade mathematics cut score to one standard error below the current cut score and that this change affect only the Spring 2004 accountability system as new baselines and cut scores will be computed when the AIMS DPA for grades 3-8 is implemented in school year 2004-05. Seconded by Ms. Kramer. *Motion passes. Dr. Diethelm abstained. Dr. Crow was absent.*

Dr. Diethelm commented that this is a one-year “cosmetic” fix which is superseded the following year as we do a better job of test implementation. Dr. Carriveau responded that this is more than cosmetic in that when equating studies are done in ’04-’05 and ’05-’06, we want to have appropriate, fair, reliable, and accurate scores. Therefore, this also plays into the psychometrics. The mean of the cut scores will be better maintained. Dr. Diethelm expressed his opinion that the perception is being given that there is an easing-up and he feels very strongly that expectations should increase in every subject area. Recognizing the pragmatics, Dr. Diethelm doesn’t like this from an ideological viewpoint.

Superintendent Horne clarified that this will make the 8th grade math test consistent with every other grade and subject matter. It would be misleading for anyone to say that this is a matter of making it easier, but it is a matter of being consistent and correcting an anomaly that occurred

earlier.

J. Presentation, Discussion and Possible Consideration to Approve Board Positions Regarding Education Legislative Proposals, Including But Not Limited to:

1. SB1097/HB2280 school district compliance
2. SB1133/HB2393 board of education composition
3. State Trust Land Reform Legislation
4. HB2188 school teachers; certification applications

Ms. Farley provided a bill tracking format for members' use, which includes staff suggestions as to Board action. Ms. Farley encouraged keeping the legislative agenda minimal, choosing priorities carefully.

Superintendent Horne clarified he speaks on occasion regarding these matters, on his own behalf.

Ms. Basha would speak on behalf of the State Board of Education.

Superintendent Horne noted in regard to SB 1316, the AEA proposal is to separate from the Board certification issues. He believes that discipline is not political and should be addressed outside of this Board, but it is inappropriate for the legislature to tell this Board where it should take advice on policy issues.

Ms. Basha clarified that she does not take a position on legislation without input from the members.

Ms. Farley gave an update regarding SB 1316, which would amend the make-up of the membership of this Board, recommending adding a lay member and a charter school owner/operator, making a total of 11 members.

Numerous options have been given regarding the bills that are being tracked and Ms. Farley recommended further dialogue as progress is made in the hearing processes.

Ms. Basha asked for clarification in terms of the timeline and feedback. Ms. Farley stated that staff has advised both House and Senate committees of the dialogue that is occurring at this Board and has not really been pushed for a final request for a position. This would suggest there is still time for further deliberation.

In regard to State Trust Land Reform, Ms. Farley suggests a delay in presentation until the Board's special session on March 8. There is not a draft bill at this point. At some time the Board may choose to look at some of the basic principles around that issue.

Regarding SB 1316, Ms. Farley noted this is the Board's legislation regarding certification applications. As was presented previously, all provisions of these issues were listed including notice to applicants or certificate holders for disciplinary action, timeframes for re-application after being denied or suspended, timeframes for applicants to provide material in order not to consider the application withdrawn. The final item is to establish a new criminal penalty for teachers who make sexual advances and/or engage in romantic or dating relationships with students. Efforts have been made in working with AEA to come to points of agreement where possible. At this time, there is a philosophical difference and Mr. John Wright, Vice President, Arizona Education Association, can expand. All of the contingencies and benefit of the doubt that can be incorporated by our legal counsel's advice have been incorporated and the issue is whether or not there should be a new offense specific to our certificate holders that would carry a criminal penalty. Ms. Farley has received feedback from one county attorney in a rural area, but has not received a response from the Maricopa County Attorney's office to date.

Mr. Wright stated there are different types of action that can be taken based on different kinds of behavior. Action should be taken against any certificate holder when they engage in unprofessional behavior that is already defined. There are certain actions described in the criminal code that need to be prosecuted, also, such as sexual conduct between an adult and a minor. The issue is an area of behavior that is clearly unprofessional and cause for action against

a license that is not now criminal behavior and this is the area that the Board has entered with this legislation. Mr. Wright wanted to make it clear that no other professional licensing board has entered this area in terms of defining criminal behavior. The type of behavior that is cause for taking the certificate, is not necessarily a criminal act. The philosophical difference they have with the State Board in HB 2188, is creating a new definition of criminal behavior that is only a criminal act if the person is certified to teach in the state of Arizona. The definition is still loosely defined but if any of those actions were to be taken by a person in another profession this would be reprehensible but not a felony. Mr. Wright believes the Board would be pushing its role over the authority of qualifications of professional criteria for the people certified to teach farther than AEA is willing to support. Mr. Wright's suggestion is to take action against the certification and to the extent that it is criminal conduct law enforcement will have the authority to have them arrested and prosecuted.

Ms. Farley clarified that this type of behavior is occurring in schools and it is felt there is a need for this type of legislation. The relationship between a teacher and student is unique as a teacher is with the student for the majority of the day/week and this is worthy of dialogue.

Dr. Diethelm agreed with Mr. Wright. Ms. Basha questioned whether this would hold up if it is criminal for a teacher and no other profession. Ms. Farley responded that if the Board generally feels as Dr. Diethelm has expressed, she will explore this with the sub-committee and recommend removing this section from the bill. Ms. Hilde agrees with Dr. Diethelm in terms of making this applicable to certified teachers only, and it should apply to other professions as well if pursued, i.e. day care workers, coaches, etc., that could create protection for children and makes this kind of behavior criminal, without being targeted to a single profession. The concept is still right. Ms. Basha stated that it feels like, as Board members, this is an issue they are dealing with on an increasing basis. This issue will be discussed further and Ms. Farley will report back to the Board.

Ms. Farley will highlight other bills that specifically need to be addressed on March 8 at the study session including descriptors and positions by the various education and education-related organizations.

K. Presentation, Discussion and Possible Consideration to Approve a Letter to the Board of Regents Regarding Review of Inclusion of Career and Technical Education Coursework in University Entrance Requirements.

Ms. Farley gave the background to date regarding this issue and pointed out one of the differences in the high school graduation requirements and college entrance requirements is that for high school graduation we accept either one credit of fine arts or career and technical education whereas for college entrance the Regents require one credit of fine arts. Ms. Farley discussed the wording of a draft letter to the Arizona Board of Regents, with a modification suggested by Dr. Crow, that respectfully requests the Arizona Board of Regents give this issue full discussion. Ms. Farley reminded members that the State Board can encourage this kind of conversation to occur but the State Board's oversight does not extend into university requirements. The State Board can also offer any assistance to the Arizona Board of Regents at any point it might be useful, which was the intent of the draft letter.

Members of the public who addressed the Board on this issue:

- Greg Donovan, Peoria Unified and West-MEC, encouraged the Board to enter into this dialogue and send as strong a letter as they feel is best. Mr. Donovan advocates an equal footing for programs that meet rigor. Mr. Donovan is willing to see the word "and" in the requirements, reading "fine arts *and* vocational education." Students should have

opportunities for fine arts and exposure to the careers.

- Gretchen Boyer, Interim Executive Director, Arizona Alliance for Arts Education, voiced concerns regarding the letter to the Arizona Board of Regents and strongly recommended not sending the letter. Ms. Boyer stated that Fine Arts is named as a core subject in the Federal NCLB law, that \$32,000,000 federal/state dollars are earmarked for career and technical education and no funds are earmarked for fine arts education in Arizona, and a change in the fine arts requirements would have large-scale negative impacts on fine arts education for all students.
- Karen Butterfield, Deputy Associate Superintendent for Innovative and Exemplary Programs, Arizona Department of Education. Ms. Butterfield shared the pro-active stance that Lynn Tuttle, Fine Arts Program Specialist, and the Department has taken in working with the CTE, Arts Education and Council communities. Unequal footing without equal funding would greatly impact fine arts programs. The Arizona North Central Association Commission on Accreditation and School Improvement will meet at the end of March and recommend a restructuring proposal for standards and criteria in relation to early childhood elementary, middle and secondary schools which focus on the arts. With an organization like the North Central Accreditation embracing the rigor of fine arts education, it says quite a bit.

Dr. Diethelm stated that this seems to be set up as a confrontation between two areas, both of which are extremely important. Universities should not promote one over the other, nor should the State Board do the opposite. As was suggested earlier, changing the wording to an “and” might be a worthwhile suggestion. Perhaps the best solution is to get the Arizona Board of Regents to open up the dialogue and see what they come up with in this way. In no way should what the State Board does be perceived or interpreted as any kind of downplaying of the importance of fine arts. The efforts to date have been to recognize the growing importance of Career and Technical education to students and our society in general, but not at the expense of fine arts education.

Superintendent Horne stated his support of career and technical education on a national and state level, as this is what many students need, but not what all students need. There is a minority of students who prefer purely academic programs. Therefore, Superintendent Horne does not support the “and” solution or sending the letter. If the word “or” is used, then fine arts could be cut by school districts. In an effort to make sure this is not a confrontation between two areas, he has asked Lynn Tuttle to work with the CTE Department to find win-win solutions. One example of these efforts is that they have gone to school counselors and urged them to have students take fine arts early so they can take a CTE program later in their career.

Dr. Diethelm noted that a fundamental knowledge of computers, which is necessary for all students, is a CTE credit. He is in favor of sending the letter primarily because this will open up the avenue of discussion and hopefully a solution.

Ms. Bittner would like to see fine arts back to an elevated position and commended Superintendent Horne for asking his departments to work together to reach a mutual benefit. Motion by Dr. Diethelm to approve and send the letter to the Arizona Board of Regents as modified by Dr. Crow. Seconded by Dr. Pedicone. Roll call vote count indicated 3 Aye and 5 Nay, with Dr. Crow absent at this time. *Motion failed.*

Ms. Hilde expressed concern regarding the “and” compromise based on hearing conversations regarding a high schooler who comes in as freshmen, already at risk of not doing well on AIMS, and the electives are Math I, II, and III, Reading I, II, and III. The student may have lost the ability to have any electives, and this runs the risk of taking away the small choice they have left. Dr. Pedicone voted yes because of his strong belief in the power of vocational education and

also voiced his strong support for fine arts. It is difficult to make a decision to protect one thing at the expense of another. He feels it is necessary to vote in favor of the letter.

Ms. Basha sensed the torn consensus within the Board, which speaks to the Superintendent's desire to build a solution within the Arizona Department of Education in a positive way.

Superintendent Horne added that promoting career and technical education is a good way to motivate students to get their academics, and that despite his view on this particular letter, the Department will be working very hard to promote career and technical education.

L. Presentation, Discussion and Consideration to Approve Opening a Docket and Notice of Proposed Rulemaking for R7-2-708 Regarding Failure to Appear for Hearings Regarding Disciplinary Action or Certification Application Reviews.

Ms. Farley brought a recommendation to amend the rules regarding the default hearings in the administrative hearing process for certificate holders. Efficiencies within the hearing and disciplinary action process are being sought. The process has been improved in terms of notifying individuals and the legislation being sought this session will further improve on that system. Currently in place is a default proceeding that is required upon the failure of an individual to appear for a hearing or our failure of being able to notify them of their hearing. Currently several individuals have avoided service by certified mail and process server and now extra hearings at the PPAC are necessitated. After a default hearing, another notice has to be sent to the last known address notifying the individual of a hearing date, and then the committee proceeds with the full hearing in their absence. The only outcome that has changed is that there is a longer process to go through. Recommendation of staff is to eliminate the process of a default hearing in the administrative hearings. This is not to eliminate contacting the individuals, but in fact, the legislation develops more of a licensure partnership whereby teachers notify us of a change of address within 30 days so we have a record of how to contact individuals. This would be the contact address used for notifications by certified mail. This will not detract or lower the level of commitment to notify these individuals. It was also noted that these individuals are generally not up for application review but rather are those who have valid certificates and can teach in the state of Arizona until disciplinary action is taken by this Board. Any delay allows them to continue to be employable with a valid certificate. This was taken to the PPAC for discussion and review at the January meeting and the PPAC recommended forwarding to the Board with their support.

Motion by Ms. Hilde to approve notice of proposed rulemaking for R7-2-708 to eliminate the section on default hearings from our administrative adjudication. Seconded by Ms. Hoover.

Motion passes.

7. ADJOURN

Meeting adjourned at 4:45 PM.